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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,532	10/31/2003	Carlos Alberto Bonilla	200309110-1	2707

22879   7590   06/22/2007
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EXAMINER
BHAT, ADITYA S

ART UNIT	PAPER NUMBER
2863	

MAIL DATE	DELIVERY MODE
06/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		10/699,532	BONILLA, CARLOS ALBERTO
		Examiner	Art Unit	
		Aditya S. Bhat	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 May 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,3-6,8,10-13,15-16, and18-21 are rejected under 35 U.S.C. 102(e) as being

anticipated by Hsieh et al. (USPUB 2003/0093238).

With regards to claims 1 and 8 Hsieh et al. (USPUB 2003/0093238) discloses a method

& computer readable instructions for managing a testing task, said method comprising:

receiving a plurality of test cases to run(112;fig 3), each test case including a plurality of

requirements for running said respective test case; (Page 3, Paragraph 0023)

receiving an identification of a group of available test systems on which to run said test

cases; (106;fig 3)

for each test case, determining a list of applicable test systems from said group that

satisfy said requirements of said respective test case; (Page 3, Paragraph 0023)

automatically selecting and starting test cases to run based on each respective list and said

available test systems so that as many test cases as possible are run in parallel; (Page 3,

Paragraph 0020)(fig3)

when any test case finishes running and releases a test system to said group of available

test systems, automatically selecting and starting an additional test case to run if possible based

on said respective list and said available test systems. (Page 3, Paragraph 0020)(fig3) and

providing the results of the testing task (30;figure 1)(126;fig 3)

With regards to claims 3, 10, and 18, Hsieh et al. (USPUB 2003/0093238) discloses keeping track of a status of each test case. (Page 4, Paragraph 0027)

With regards to claims 4,11 and 19,Hsieh et al. (USPUB 2003/0093238) discloses completing said testing task when test cases that could have run on said available test systems have finished running. (110;fig 3)

With regards to claim 5, 12 and 20 Hsieh et al. (USPUB 2003/0093238) discloses displaying results of said test cases. (Page 4,Paragraph 0029)(fig 2)

With regards to claims 6, 13 and 21 Hsieh et al. (USPUB 2003/0093238) discloses automatically selecting and starting test cases to run includes: for each test case, creating a real test system name file. (fig 2)

With regards to claim 15,Hsieh et al. (USPUB 2003/0093238) discloses system comprising:

a plurality of available test systems; (Refer to figure 1)

a controller for controlling said available test systems;(24;Refer to figure 1) and

a test driver (24;fig 1) for receiving a plurality of test cases, each test case including a plurality of requirements for running said respective test case,(winNT, Win200,UNIX;fig 1) wherein said test driver matches said available test systems with said test cases based on said requirements, (fig1)and wherein said test driver selects and starts test cases to run so that as many test cases as possible are run in parallel based on said available test systems and said requirements, and wherein when any test case finishes, a test system of said finished test case is released to said plurality of available test systems. (Page 3, Paragraph 0020)(fig 3)

With regards to claim 16, Hsieh et al. (USPUB 2003/0093238) discloses when any test

case finishes running and releases a test system to said group of available test systems, said test

driver selects and starts an additional test case to run if possible based on said respective

requirements and said available test systems. (fig 3)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hsieh et al. (USPUB 2003/0093238) in view of Mathews (USPUB 20003/0098879).

With regards to claims 1 and 8 Hsieh et al. (USPUB 2003/0093238) discloses a

method & computer readable instructions for managing a testing task, said method

comprising:

receiving a plurality of test cases to run, each test case including a plurality of

requirements for running said respective test case; (Page 2, Paragraph 0043)

receiving an identification of a group of available test systems on which to run

said test cases; (Page 2,Paragraph 0037)

for each test case, determining a list of applicable test systems from said group

that satisfy said requirements of said respective test case; (Page 1,Paragraph 0010)

automatically selecting and starting test cases to run based on each respective

list and said available test systems so that as many test cases as possible are run in

parallel; (Page 1, Paragraph 0013) and

With regards to claims 2, 9 & 17, Hsieh et al. (USPUB 2003/0093238) discloses for each available test system, determining a plurality of attributes of said respective available test system. (Page 2, Paragraph 0034)

With regards to claims 3, 10, and 18, Hsieh et al. (USPUB 2003/0093238) discloses keeping track of a status of each test case. (Page 1, Paragraph 0016)

With regards to claims 4,11 and 19,Hsieh et al. (USPUB 2003/0093238) discloses completing said testing task when test cases that could have run on said available test systems have finished running. (Page 3, Paragraph 0048)

With regards to claim 5, 12 and 20 Hsieh et al. (USPUB 2003/0093238) discloses displaying results of said test cases. (Page 3,Paragraph 0046)

With regards to claims 6,13 and 21 Hsieh et al. (USPUB 2003/0093238) discloses automatically selecting and starting test cases to run includes: for each test case, creating a real test system name file. Hsieh et al. (USPUB 2003/0093238) teaches using "the required testing files" (Page 3, Paragraph 0051) therefore it would be within reasonable interpretation for one skilled in the art to name or some method of identifying these files in order to differentiate between the plurality of files.

With regards to claims 7, 14 and 22 Hsieh et al. (USPUB 2003/0093238) discloses initializing a work directory for each test case. (1000;refer to figure 2)

With regards to claim 15,Hsieh et al. (USPUB 2003/0093238) discloses system comprising:

a plurality of available test systems; (Refer to figure 1)

a controller for controlling said available test systems;(4000;Refer to figure 1)

and

a test driver for receiving a plurality of test cases, each test case including a

plurality of requirements for running said respective test case, wherein said test driver

matches said available test systems with said test cases based on said requirements,

(Page 1, Paragraph 0011-0014)

With regards to claim 16, Hsieh et al. (USPUB 2003/0093238) discloses when

any test case finishes running and releases a test system to said group of available test

systems, said test driver selects and starts an additional test case to run if possible

based on said respective requirements and said available test systems. (Page 1,

Paragraph 0014)

Hsieh et al. (USPUB 2003/0093238) does not appear to teach when any test

case finishes running and releases a test system to said group of available test

systems, automatically selecting and starting an additional test case to run if possible

based on said respective list and said available test systems.

Mathews (USPUB 2003/0098879) teaches when any test case finishes running

and releases a test system to said group of available test systems, automatically

selecting and starting an additional test case to run if possible based on said respective

list and said available test systems. (Page 3, Paragraph 0020)(fig3)

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Hsieh to automatically select and start an additional test

case when any previous test case finishes taught by Knowles in order to reduce testing cycle times (Page 1, paragraph 0005, lines 14-17).

Response to Arguments

Applicant's arguments with respect to claims1-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shrader et al (USPUB 6,473,894) teaches a dynamic runtime and test architecture for Java applets, and Mongan et al. (USPN 6,304,982) teaches a network distributed automated testing system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S. Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Aditya S. Bhat
June 17, 2007

BRYAN BUI
PRIMARY EXAMINER

6/19/07